

NICHOLAS A. MARTIN
1637 FAIRNTOSH DR
FORT MILL, SC 29715

JANUARY 27, 2025

Re: *In re College Athlete NIL Litigation*, No. 4:20-cv-03919-CW

Dear Judge Wilken:

My name is Nicholas Martin. I am a class of 2024 high school graduate taking a gap year to continue training and aspiring to be a future Division I athlete, and a member of the Injunctive Relief Class. For the reasons stated in my attached declaration, I object to the roster limits in the settlement agreement in *In re College Athlete NIL Litigation*, No. 4:20-cv-03919-CW. I make this objection individually and on behalf of the Injunctive Relief Class.

I designate Steven F. Molo and the firm of MoloLamken LLP to speak on my behalf at the Fairness Hearing on April 7, 2025.

Sincerely,
Nicholas Martin
NCAA # 2203453437

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

IN RE COLLEGIATE ATHLETE NIL
LITIGATION

Case No. 4:20-cv-03919-CW

Hon. Claudia Wilken

DECLARATION OF NICHOLAS MARTIN

I, Nicholas Martin, hereby declare as follows pursuant to 28 U.S.C. § 1746:

1. I am 18 years old and am a class of 2024 graduate from Nation Ford High School.

I have been competing as a swimmer since I was 13 years old and hope to compete on a Division I college team.

2. I understand that the settlement in this lawsuit will govern NCAA Division I sports for the next decade, which is when I will be in college. I therefore am a class member who could be affected by the terms of the settlement. I object to the settlement for the reasons stated below, both for myself and for other class members like me.

3. Swimming, a sport measured by fractions of a second, requires an incredible amount of sacrifice and hard work to progress. I made a goal for myself to swim at a large D1 school when I was 13 years old. At that time, I committed to making those sacrifices, which is exactly what I have done. Except for covid shutdowns, I have spent 6-7 days a week practicing between 2 and 4 hours each day for 11 months out of every year. I have missed family vacations, high school football games and nights out with friends, Homecomings and Proms. I have gotten up at 4:30am to attend a practice before school starts, and then gone right from school back to practice countless times. While friends are sleeping in during Christmas break or taking vacations for Spring break, I have continued to get up at 6am daily to attend practices on training trips.

4. My journey as a swimmer has been a little different than most. I didn't start swimming competitively as early as a lot of my teammates and I'm young for my class year. As

1 a result, my swimming times were not quite where they needed to be for the schools in which I
2 was interested. Several of the D1 (SEC and ACC) schools I was talking to last year told me that
3 they would have a spot for me if my times were just a little bit faster. As a result, I decided to
4 take a “gap” year after high school to continue training because I was so committed to my goal
5 of swimming at a large D1 college. Now that these roster limits are lingering, almost all these
6 schools have either shut down recruiting for 2025 or are only offering spots to the very top,
7 fastest swimmers. They are also saving spots for potential transfers that get cut from other teams
8 because many teams either have or soon will (after NCAAs) cut a significant number of existing
9 athletes from their roster to comply with this ruling. Even though I have improved my times as
10 requested a year ago, these schools no longer have a spot for me. Despite all my hard work and
11 sacrifice, I still do not have a spot to swim next year.

12 5. I feel strongly that imposing roster limits disproportionately punishes athletes that
13 have committed countless hours and effort to non-revenue generating sports. These limits do not
14 allow kids to decide to take a spot on a team without a scholarship to continue developing. These
15 limits also do not allow coaches the leeway to take on a student athlete that they believe they can
16 develop. It also prevents coaches from having extra athletes on their roster in case of an injury
17 or transfer. These limits have shut down recruiting for incoming 2025 athletes, leaving us with
18 no options. These limits will ultimately lead to colleges eliminating many non-revenue
19 generating sports teams altogether. Also, so many of these now coveted roster spots are being
20 given to international students to make the college teams competitive, however, when these
21 athletes go on to compete in the Olympics, they will not even be competing for the US. I think
22 the long-term consequence will be seen in the US losing ground in all sports on the international
23 stage.

24 6. The opportunity the be a student athletes should not be disproportionately limited
25 to football and basketball players because they generate money. Other sports matter too! Athletes
26 that play other sports matter too! I would argue that my teammates and I have worked harder
27 and sacrificed more than any football player and should be allowed to join a team if offered the
28 opportunity. The NCAA should not be allowed to dictate who is on a coach’s/school’s roster.

1 I declare under penalty of perjury that the foregoing is true and correct.
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3 Dated: Fort Mill, SC
4 January 27, 2025

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7 Nicholas Martin
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10 Fort Mill, SC 29715
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